THE HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No. 13443 of 2006

13-07-2006

Between:-

Rachakonda Venkateshwar Rao

Petitioner

And

Special Deputy Collector/Land Acquisition officer Sri Pada Sagar Project, Yellampalli, LMD Colony, Karimnagar and eight others.

Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No. 13443 of 2006

Oral order:

The petitioner is a resident of Paidipalli village in Karimnagar district. According to the petitioner, the land ad-measuring Ac. 11-12 gts. in survey No. 22 situated at Ellampalli village, Ramagundam Mandal, Karimnagar district originally belong to one Tula Narayana Rao, which was inherited by his wife after his demise. The petitioner alleges that the wife of the Narayana Rao executed a will deed bequeathing the property to him and therefore he is alone entitled for the title, right and interest in the property.

Proceedings under the Land Acquisition Act, 1894 (hereinafter called 'the Act') were initiated for acquiring an extent of about Ac.90-29 gts in Murmur village for Yellampally Project better known as 'Sri Pada Sagar Project'. The land in survey No. 22 is also proposed acquisition and accordingly notification under Section 5 (A) of the Act was issued on 1-07-2005. When the award proceedings were taken up by

the first respondent, the petitioner filed a claim petition praying the first respondent to pay compensation to him or to refer the matter to the civil court under Section 30 of the Act. Even while the same is pending, the present writ petition is filed.

Learned counsel for the petitioner Ms. P. Aruna representing Mr. C. Ramesh Sagar submits that Land Acquisition Officer is not competent to decide conflict questions of title and therefore the claim petition filed by the petitioner ought to be referred to the civil court under Section 30 of the Act. The submission of the learned counsel cannot be accepted.

Section 11 of the Act provides for a nature of enquiry by the Land Acquisition Officer. As per the said provision, the Land Acquisition Officer shall enquire into the objections made by any person interested and shall make an award of the true extent of land, the compensation which in his opinion should be awarded to the land and the apportionment of the said compensation among all the persons known or believed to be interested in the land. Section 30 of the Act enables the Lad Acquisition officer to refer any dispute as to the apportionment of the compensation to the civil court. Therefore, reading Sections 11 and 30 of the Act together it becomes clear that initially the objections *inter alia* in regard to the entitlement or apportionment have to be decided by the Land Acquisition Officer alone. If the dispute cannot be resolved, then only, in his discretion, the Land Acquisition Officer can refer the dispute to the civil court.

Admittedly, the award proceedings are pending and therefore the Land Acquisition Officer can as well consider the representation/claim petition filed by the petitioner on 18-01-2006. Indeed as seen from the documents annexed to the writ petition, the Land Acquisition Officer has already issued notice to the petitioner.

Therefore, this writ petition is disposed of observing that the petitioner may approach the first respondent for appropriate

consideration to his representation/claim petition. No costs.

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V.V.S. RAO, J

Dated: 13-07-2006
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